

REMARKS

Applicants have elected with traverse Group I, drawn to an embodiment in which a valve assembly actuates due to changes in temperature and pressure. Claims 1-10 and claim 20 are canceled by means of this amendment. New claims 24-35 are added by this amendment. No new matter was added.

Since claims 24-35 are drawn to substantially similar subject matter as cancelled claims 1-10 and claim 20, it is respectfully submitted that claims 24-35 are drawn to the valve assembly which corresponds to elected Group I.

Dependent claims 21-23 are amended to establish proper dependency upon non-canceled claims.

Remaining claims 11-15 are readable on Group II, drawn to an embodiment in which water is diverted or recovered based on temperature changes.

The Examiner has indicated that the inventions of Groups I and II are related as subcombinations disclosed as usable together in a single combination. Furthermore, distinction between the groups can be shown if either (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations.

In the specific case of Groups I and II, the Examiner has indicated that subcombination II has separate utility such as in a water recovery/reticulation system that does not include a valve having the specific first and second cold water valve means controls as recited in independent claims 1 and 2.

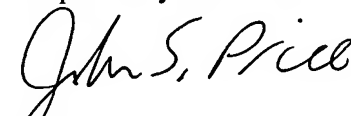
In response, the Applicants submit that it would not be unduly burdensome to perform a search of the claims in each group. "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" MPEP 803. In this instance, a search performed for either group would provide the same results and be applicable for all of the claims in either of the groups.

In particular, claim 11 requires a water recovery system including a "diverter valve...for selectively diverting water from the hot water delivery pipe...until the water flowing through said diverter valve reaches a predetermined temperature". Whereas claim 24 of Group I similarly requires a valve system that comprises a "hot water valve means adapted to open said hot water flow passage in response to entry of water above a predetermined temperature" and a "cold water valve means adapted to open said cold water flow passage in response to entry of water below said predetermined temperature". As shown above, the limitation of these representative claims of Group I and II are substantially the same because both claim sets utilize valves that control water flow based on temperature changes.

Accordingly, this restriction requirement is respectfully elected with traverse.

To the extent that this restriction requirement is maintained by the Examiner, the Applicants reserve the right to subsequently file divisional applications in order to prosecute the inventions recited in any one or more of the non-elected claims.

Respectfully submitted,

A handwritten signature in black ink that reads "John S. Price". The signature is written in a cursive style with a large, stylized "J" and "P".

John S. Price
Registration number 56,581
Attorney for Applicants

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ABELMAN, FRAYNE & SCHWAB
666 Third Ave., 10th Floor
New York, NY 10017-5621
Tele: (212) 949-9022
Fax: (212) 949-9190